THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19139 OF 2005

DATED: 30.08.2005

Between:

M.A. Gaffar

... PETITIONER

AND

The Deputy Transport Commissioner & Secretary,

Regional Transport Authority,

Nizamabad & another.

... RESPONDENTS

ORAL ORDER:

The Jeep of the petitioner, bearing No. AP. 25/T-2136, was seized on 10.08.2005, on the ground that the vehicle was carrying eleven passengers, and the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure.

Heard, Sri R.K. Jwala, learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 10.08.2005, issued by the 1st respondent, discloses that the vehicle was carrying eleven passengers and the documents of the vehicle were not produced and that it was being driven without licence. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the Jeep, bearing No. AP. 25/T-2136, shall be released to the petitioner on his depositing a sum of Rs.5,000/- (Rupees Five thousand only).

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required.

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30.08.2005

Note: Issue C.C. tomorrow.

B/o.

ES/JSU